

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

AMERICAN CLINICAL LABORATORY
ASSOCIATION, *et al.*,

Plaintiffs,

V.

Case No.: 4:24-cv-00479-SDJ

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

ASSOCIATION FOR MOLECULAR
PATHOLOGY, *et al.*,

Plaintiffs,

V.

Case No.: 4:24-cv-00824-SDJ

UNITED STATES FOOD AND DRUG
ADMINISTRATION, *et al.*,

Defendants.

**PLAINTIFFS' UNOPPOSED REQUEST FOR ORAL ARGUMENT ON
THE PARTIES' CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs American Clinical Laboratory Association, HealthTrackRx Indiana, Inc., and HealthTrackRx, Inc., and Plaintiffs Association for Molecular Pathology and Dr. Michael Laposata, M.D., Ph.D. (collectively, “Plaintiffs”) and Defendants the United States Food and Drug Administration, *et al.* (“FDA”) have filed cross-motions for summary judgment that are now fully briefed. *See* ECF Nos. 20, 27, 54, 66, 67, 68. Pursuant to Local Rule CV-7(g), Plaintiffs hereby request an oral hearing on the cross-motions for summary judgment.

Plaintiffs respectfully submit that oral argument may be helpful to the Court because this case is being decided on dispositive cross-motions and involves important legal issues arising from a major

new FDA rule with far-reaching implications for the nation's clinical laboratory sector and the many thousands of health care practitioners the new rule would regulate. Defendants have stated that they intend to begin enforcing requirements under the new rule beginning May 6, 2025.

Plaintiffs' counsel conferred with FDA's counsel before filing this submission. FDA takes no position on this request for oral argument.

Dated: January 17, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2025, a true and correct copy of this document was served electronically by the Court's CM/ECF system on all counsel of record.

/s/ Ashley C. Parrish

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Counsel for ACLA Plaintiffs